

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1844 OF 2022

**SAGAR DATTU PARDESHI
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Ms. Zaware Suvarna M.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Respondent No.2 : Mr. Mahesh Kalidas Bhosale

...

CORAM : S.G. MEHARE, J.

DATED : 14th NOVEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. It is an admitted fact that the present applicant had extra marital relations with the mother of the victim. They had relations for a long period. The applicant used to go to the house of the victim. Few days before the incident, the applicant outraged the modesty of the victim, who was 15 years and 9 months old. On the date of the incident also, the applicant went to the house of the victim when her mother was not present. At that time, he kissed her. She opposed him every time. Then, she went to call her mother who was sitting in the house of the neighbour. Her mother scolded him why he came there under the influence of the liquor. He quarreled with her mother. Thereafter, the report was lodged.

3. Learned counsel appearing for the applicant would refer to the report lodged by the applicant to the Superintendent of Police, Ahmednagar dated 29.09.2021 alleging that he had relations with the mother of the victim. However, she started blackmailing him. She was threatening him that if he would not pay her money, she would commit suicide. He had an apprehension that she may involve him in the crime like this. She would argue that the material investigation is over. The charge sheet has been filed. Though there are antecedents to the discredit of the applicant, he has been acquitted. The said offences were not similar to the present offence. Considering the facts of the case, he may be released on bail.

4. Learned APP and learned counsel appearing for the victim have opposed the application. They would contend that the applicant has no good past. The mother of the victim has to go for the labour work. She belongs to the scheduled caste. The applicant used to go to her home in the absence of her mother. He was touching the person of the victim and pressing her chest with sexual intent. Considering his antecedents and the way of offence committed by him, there is great apprehension of tampering with the prosecution witness. The victim has to stay alone when her mother goes for labour work. Therefore, there may be danger to her life. Hence, he may not be granted bail.

5. Two incidents of sexual assault have been narrated by the victim. It appears from the record that the applicant used to go to the house of the victim even in the absence of her mother. He and her mother had extra marital relations for a long period. The victim is of growing age. There appears substance in the argument of learned counsel for the victim and the learned APP that since the mother of the victim has to go for the labour work, she used to live alone in the home. The applicant was going to her in the absence of her mother. Therefore, there may be danger to the life of the victim, who is a minor girl. In addition thereto, there are antecedents to the discredit of the applicant. Though the offences registered against the applicant were not similar, but that shows his conduct. The victim was 15 years and 9 months old girl. Her safety is important than the liberty of the applicant. For these reasons, the application stands dismissed.

(S.G. MEHARE, J.)